

FILED

OCT 30 1987

STATE OF OKLAHOMA

EXECUTIVE DEPARTMENT

OKLAHOMA SECRETARY
OF STATE

EXECUTIVE ORDER 87-37

WHEREAS, Senate Bill 39, passed by the 41st Oklahoma Legislature, 1st Session, effective November 1, 1987 requires that the appropriate licensing boards adopt rules and regulations for registration of physicians, dentists, podiatrists, osteopathic physicians and optometrists who desire to dispense dangerous drugs; and

WHEREAS, the Board of Governors of Registered Dentists of Oklahoma (hereinafter Board) is charged with the responsibility of licensing and regulating the practice of dentistry in the State of Oklahoma; and

WHEREAS, the Board has adopted rules (denominated Rules on Annual Registration of Dispensers of Dangerous Drugs attached hereto) to facilitate the effective administration of Senate Bill 39; and

WHEREAS, promulgation of these rules by November 1, 1987 is necessary to ensure the effective administration of the law and to avoid violation of the law by the Board; and

WHEREAS, the Legislature is not in session; and

WHEREAS, the promulgation of these rules pursuant to the Emergency Rules Procedures of the Administrative Procedures Act is necessary to preserve the public health, safety and welfare of the State of Oklahoma; and

WHEREAS, the form and content of the rules are within the statutory authority of the Board,

NOW, THEREFORE, by the authority conferred upon the Office of the Governor by the Constitution and laws of the State of Oklahoma, I do hereby declare an emergency exists justifying promulgation of these rules, and I do hereby certify these rules for promulgation pursuant to 75 Okla. Stat. § 253 (1981) as amended by H.B. 1493, 41st Oklahoma Legislature, 1st Session.

Copies of this certificate declaring an emergency and certifying these rules for promulgation shall be filed with the Oklahoma Department of Libraries, Secretary of State, President Pro Tempore of the State Senate and Speaker of the House of Representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 30th day of October, 1987.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Henry Bellmon

ATTEST:

Esther M. Shipp
ASSISTANT Secretary of State

Adoption of Rules
Emergency

NAME OF RULEMAKING AGENCY/ENTITY:

The Board of Governors of Registered Dentists of Oklahoma

TITLE OF FINALLY ADOPTED RULES:

Rules on Annual Registration of Dispensers of Dangerous
Drugs

AUTHORITY FOR RULEMAKING:

59 O.S. Supp. 1987, Section 355.2 (B)

DATE OF ADOPTION:

October 25, 1987

ANALYSIS OF RULES:

These Rules establish procedures for the annual registration as dispensers of dentists desiring to dispense dangerous drugs. These Rules implement Sections 5 and 6 of Senate Bill 39 (1987) which are new laws to be codified in Sections 355.1 and 355.2 of Title 59 of the Oklahoma Statutes.

These Rules affect the Board of Governors of Registered Dentists of Oklahoma and persons licensed by said Board to practice dentistry who desire to dispense dangerous drugs.

FINDING OF AN EMERGENCY

The Board of Governors of Registered Dentists of Oklahoma (Board) finds that compelling extraordinary circumstances necessitate the emergency adoption of Rules on Annual Registration of Dispensers of Dangerous Drugs, to be effective on October 31, 1987. The reasons for this finding of an emergency are as follows:

(1) Section 6 of House Bill 1493 (1987) which amends 75 O.S. 1981, Section 253, effective October 16, 1987, provides that "[i]f an agency finds that an imminent peril to the preservation of the public health, safety, welfare or other compelling extraordinary circumstance requires an emergency rule, an agency may promulgate any such rule, provided the Governor certifies such rule pursuant to the provisions of this section. For the purposes of this section the term 'other compelling extraordinary circumstances' includes but is not limited to a finding that.... the agency would be in violation of federal or state law." Emphasis added.

(2) Section 5 (B) of Senate Bill 39 (1987), effective November 1, 1987, provides "[a] licensed practitioner [such as a dentist] desiring to dispense dangerous drugs... shall register annually with his licensing board as a dispenser, through a regulatory procedure adopted and prescribed by his licensing board."

(3) Section 6 (B) of Senate Bill 39 (1987), effective November 1, 1987, provides "[r]ules and regulations relating to this act shall be adopted by the appropriate licensing boards after consultation and review with the Oklahoma State Board of Pharmacy prior to the effective date of this act." The effective date of Senate Bill 39 is November 1, 1987.

(4) The Legislature has directed the Board to adopt rules, prior to November 1, 1987, prescribing procedures for the annual registration as dispensers of dentists who desire to dispense dangerous drugs.

(5) If the Board does not adopt these rules prior to November 1, 1987, the Board will be in violation of State law, specifically Section 6 (B) of Senate Bill 39.

[NEW]

RULES ON ANNUAL REGISTRATION OF DISPENSERS OF DANGEROUS DRUGS
Authority: Section 5 & 6 of Senate Bill 39 (1987) to be codified
as 59 O.S. , Sections 355.1 and 355.2

100. GENERAL

100.1- FUNCTION. These Rules establish procedures for the annual registration as dispensers of persons licensed to practice dentistry in this State who desire to dispense dangerous drugs, as authorized by provisions of 59 O.S., Sections 355.1 and 355.2.

100.2- STATUTORY CITATIONS. Citations to statutes in these rules refer to the most recent codification of the statute.

100.3- DEFINITIONS. As used these rules:

- (1) Masculine words shall include the feminine and neuter, and the singular includes the plural.
- (2) "Dangerous drugs" means any drug intended for use by people which, because of its toxicity or other potentiality for harmful effects, or the method of its use, or the collateral measures necessary for its use, is not safe for use accept under the supervision of a practitioner licensed by law to administer such drugs. This shall include all drugs upon which the manufacturer or distributor has, in compliance with federal law and regulations, placed the following: "Caution--Federal Law prohibits dispensing without prescription."
- (3) "Professional samples" means complimentary drugs packaged in accordance with federal and state statutes and regulations and provided to a dentist free of charge by manufacturers or distributors and distributed free of charge in such package by the dentist to his patients.
- (4) "Dentist" means a professionally trained individual who has fulfilled the educational requirements and is a graduate of an accredited dental school and who has been licensed by the Board to administer to the general public through the practice of dentistry.
- (5) "Dispense" means to deliver, sell, distribute, leave with, give away, dispose of, or supply.
- (6) "Dispenser" means a dentist registered with the Board pursuant to these Rules to dispense dangerous drugs.
- (7) "Board" means the Board of Governors of Registered Dentists of Oklahoma, and includes the Executive Secretary/Director of the Board unless the context indicates otherwise.
- (8) "Rules" means the Board's Rules on Annual Registration of Dispensers of Dangerous Drugs.

200. DISPENSING DANGEROUS DRUGS

200.1 Except as provided for in 59 O.S., 353.1 et seq., only a dentist, who is registered with the Board pursuant to these Rules, may dispense dangerous drugs to his patients, and only for the expressed purpose of serving the best interests and promoting the welfare of his patients.

200.2 The dangerous drugs shall be dispensed in an appropriate container to which a label has been affixed. Such label shall include the name and office address of the dentist, date dispensed, name of patient, directions for administration, prescription number, the trade or generic name, and the quantity and strength, not meaning ingredients, of the drug therein contained; provided, this requirement shall not apply to compounded medicines.

300. RECORD KEEPING

300.1 A dentist shall keep a suitable book, file or record in which shall be preserved for a period of not less than five (5) years a record of every dangerous drug compounded or dispensed by the dentist.

300.2 A dentist shall maintain said book, file or record separate from all other records.

300.3 A dentist shall allow the Board or the Board's agent to inspect and copy said book, file or record whenever requested by the Board.

400. ANNUAL REGISTRATION

400.1 A dentist desiring to dispense dangerous drugs shall register as a dispenser annually with the Board.

400.2 The Board shall provide registration forms. A dentist may obtain a registration form from the Board's office.

400.3 A dentist desiring to register as a dispenser shall file a completed registration form at the Board's office on or before the first day of January of each year following the year in which the dentist initially registers as a dispenser.

400.4 At the time a dentist files a completed registration form he shall pay to the Board a fee sufficient to cover the cost of processing the registration in an amount to be determined by the Board.

500. EXEMPTIONS

500.1 A dentist who dispenses professional samples to his patients shall be exempt from the provisions of these Rules if:

- (1) The dentist furnishes the professional sample to the patient in the package provided by the manufacturer;
- (2) No charge is made to the patient;
- (3) An appropriate record is entered in the patient's chart.

600. VIOLATIONS

600.1 Any dentist who violates the provisions of 59 O.S., Sections 355 et seq., or these Rules, shall be subject to disciplinary action by the Board including but not limited to revocation of license, suspension, probation or public or private reprimand, as provided in 59 O.S., Section 328.32.

600.2 Any disciplinary action for violation of 59 O.S., Section 355 et seq., or these Rules, shall be conducted according to the provisions of 59 O.S., Sections 328.32, 328.43, 328.44, 328.45, 328.46, any applicable rules of the Board, and any applicable provisions of the Administrative Procedures Act.

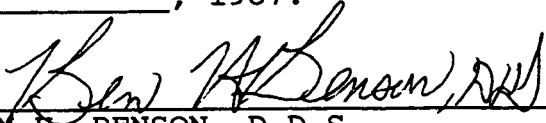
700. EFFECTIVE DATE OF RULES

700.1 These Rules shall be effective as of midnight, October 31, 1987.

ATTESTATION

As required by 75 O.S., Section 254 (A), I hereby attest, on behalf of the Board of Governors of Registered Dentists of Oklahoma, that the foregoing is a true and correct copy of the Board's Rules on Annual Registration of Dispensers of Dangerous Drugs, and that such rules have been adopted by the Board in substantial compliance with the Administrative Procedures Act.

Dated this 25th day October, 1987.



BEN H. BENSON, D.D.S.
PRESIDENT, BOARD OF GOVERNORS
REGISTERED DENTISTS OF OKLAHOMA